REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1, 3-8, and 10-13 have been amended, and Claim 2 has been canceled. Applicant respectfully submits that no new matter has been added. Claim 9 was canceled in a previous amendment. After amending the claims as set forth above, Claims 1, 3-8, and 10-13 are now pending in this application.

I.   Statement of Substance of Interview

Applicant thanks the Examiner for taking the time to discuss the present application on December 20, 2010. During the call, the Examiner and the undersigned discussed the proposed claim amendments in view of the applied references. No final agreement regarding the claims was reached.

II.   Priority Claim

In sections 6 and 7 of the Office Action, the Examiner alleged that the currently pending claims are not supported by several of the priority applications. Applicant does not concede the propriety of the Examiner's assertions. However, submitted herewith is a supplemental application data sheet (ADS) in which several of the priority claims are removed. As such, in accordance with the supplemental ADS, the present application is a continuation of U.S. 09/343,104 filed on June 29, 1999, which claims the benefit of U.S. 60/134,782 filed on May 19, 1999. U.S. 09/343,104 is also a continuation-in-part of U.S. 09/314,648 filed on May 19, 1999. As such, Applicant respectfully submits that the claimed subject matter has a priority date of at least May 19, 1999. This revised priority claim is consistent with the first paragraph of the specification as originally filed on January 23, 2004. Applicant respectfully submits that no priority claim is being added to the present application. Entry of supplemental ADS and the revised priority claim is respectfully requested.

III.   Claim Rejections Under 35 U.S.C. § 103(a)

A.   Claims 1-8 and 10-13

In section 9 of the Office Action, Claims 1-8 and 10-13 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,331,140 to Stephany (Stephany), in view of an articled titled "Experiments on Pattern Recognition Using Invariant Fourier-Mellin Descriptors" by Sheng et al. (Sheng), and further in view of U.S. Patent No. 6,185,683 to Ginter et al. (Ginter). Claim 2 has been canceled, rendering its rejection moot. Applicant respectfully submits that the rejection of Claims 1, 3-8, and 10-13 is moot in view of the claim amendments.

Claim 1, as currently amended, recites in part "steganographically encoding, using at least a processor of a computer system, plural-bit auxiliary data *onto a substrate at a specific location out of a plurality of distinct locations on the substrate, wherein the plural-bit auxiliary data is based at least in part on the specific location*." (Emphasis added). Independent Claims 12 and 13, although of differing scope, have been amended to recite similar elements. Support for the claim elements can be found in paragraph [0291] and throughout the published version of the present application. Applicant respectfully submits that the combination of Stephany, Sheng, and Ginter fails to disclose or suggest such elements.

Stephany is directed to "invisible bar code systems that are highly immune to the influences of underlying printing." (Col. 2, lines 62-64). Stephany also discloses that the "bar code 14 can be formed by a marking materials jetted onto an appropriate receiving surface." (Col. 3, lines 66-67). However, Applicant respectfully submits that Stephany fails to disclose or suggest at least "steganographically encoding, using at least a processor of a computer system, plural-bit auxiliary data *onto a substrate at a specific location out of a plurality of distinct locations on the substrate, wherein the plural-bit auxiliary data is based at least in part on the specific location*," as claimed. (Emphasis added). Ginter, which is directed to an "electronic … delivery system" (col. 15, line 35), also fails to disclose or suggest such elements. Sheng, which is directed to "[i]mage descriptors … used for position-, rotation-, scale-, and intensity-invariant … pattern recognition" (abstract), also fails to disclose or suggest such elements.

For at least these reasons, Applicant respectfully submits that the combination of Stephany, Ginter, and Sheng fails to disclose or suggest each of the elements recited in independent Claims 1, 12, and 13. Applicant respectfully requests withdrawal of the rejection of Claims 1, 12, and 13, and dependent Claims 3-8, 10, and 11.

B.   Official Notice

On pages 5-6 of the Office Action, the Examiner took Official Notice, alleging that it would have been obvious to one of skill in the art at the time of the invention to store "at least some of the plural-bit auxiliary data in association with data identifying a location at which the electronic version of the document is stored," as previously recited in Claim 1 (prior to the amendments above). Specifically, the Examiner relied on U.S. Patent No. 4,654,482 to DeAngelis (DeAngelis) and asserted that "any bar code system needs some type of memory storing a library correlating the particular bar code to its particular item." (P. 6). Applicant respectfully disagrees and submits correlating a bar code to an item does not disclose or make obvious "storing ... at least a portion of the plural-bit auxiliary data *in association with data identifying a location at which the electronic version of the document is stored,*" as currently recited in Claim 1. (Emphasis added). DeAngelis fails to disclose, suggest, or make obvious at least such a "storing" operation for "identifying a location at which the electronic version of the document is stored," as claimed. For at least these reasons, Applicant respectfully traverses the taking of Official Notice and requests that the Examiner provide a reference which explicitly teaches the claimed elements if the rejection is maintained.

On pages 8-10 of the Office Action, the Examiner took Official Notice with respect to the elements of Claims 3-6. The Examiner relied on DeAngelis and U.S. Patent No. 5,206,490 to Petigrew et al. (Petigrew) as the basis for taking Official Notice. Applicant respectfully disagrees and traverses the taking of Official Notice.

With respect to Claim 3, the Examiner relies on col. 1, lines 11-16 and col. 2, lines 22-28 and 50-60 as allegedly making obvious that "the memory comprises a registry database

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maintained by an operating system of the computer system," as claimed. Applicant respectfully disagrees. The abstract of DeAngelis discloses that "[s]eparate or integral memory cartridges carry a set of recognition data for each merchant order receiving device ...." Also, col. 2, lines 22-28 of DeAngelis discloses:

> In the preferred embodiment, the device includes a microprocessor based central controller having a program fixed in a read only memory (ROM). The storage element includes both ROM for the recognition data and random access memory (RAM) for the temporary order information for subsequent transmittal to the merchant's apparatus. The wand can be part of a commercially available bar code reader that readily connects to the controller. Connecting and interfacing the device to the switched telephone network is the function of an included modem, also commercially available.

Thus, DeAngelis discloses that a device may include memory cartridges, ROM, and RAM. However, DeAngelis fails to disclose or suggest that that "the memory comprises a registry database maintained by an operating system of the computer system," as claimed. If the Examiner maintains the rejection, Applicant respectfully requests that the Examiner provide a reference that explicitly discloses the elements of Claim 3.

Claim 4 has been amended to recite that "the storing is performed by an application program that is used to compose the electronic version of the document." Applicant has reviewed DeAngelis and respectfully submits that DeAngelis fails to disclose or suggest a "storing" operation that is "performed by an *application program that is used to compose the electronic version of the document*," as claimed. (Emphasis added). Such an "application program" is not disclosed or suggested by DeAngelis. If the Examiner maintains the rejection, Applicant respectfully requests that the Examiner provide a reference that explicitly discloses the elements of Claim 4.

Claim 5 recites that "the storing is performed by an operating system of the computer system." On pages 9-10 of the Office Action, the Examiner asserted that DeAngelis discloses a

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processor that "correlates the ... bar code data to a location in this ROM and RAM memory with corresponding recognition data ..., this processor is considered to be part of the computer operating system." Applicant respectfully disagrees and submits that merely disclosing a processor does not make obvious that "the storing is performed by an operating system of the computer system," as claimed. If the Examiner maintains the rejection, Applicant respectfully requests that the Examiner provide a reference that explicitly discloses the elements of Claim 5.

Claim 6 recites "printing the document onto the substrate using a printer driver, and wherein the storing is performed by the printer driver." The Examiner relied on both DeAngelis and Petigrew to take Official Notice that such elements would be obvious to one of skill in the art. DeAngelis discloses a "printer" (col. 9, lines 6-8) and "printed materials" (col. 2, lines 22-25). However, DeAngelis fails to explicitly disclose a "printer driver" or "printing the document onto the substrate using a printer driver, and *wherein the storing is performed by the printer driver*," as claimed. (Emphasis added). Petigrew discloses "a bar code printer may be used which is capable of measuring the mean albedo of an area of packaging material and to select a suitable ink" (col. 2, lines 46-49) and that a "[p]rinter 10 includes a microprocessor ... and data input means ...." (Col. 3, lines 61-62). However, Petigrew also fails to explicitly disclose a "printer driver" or "printing the document onto the substrate using a printer driver, and *wherein the storing is performed by the printer driver*," as claimed. (Emphasis added). If the Examiner maintains the rejection, Applicant respectfully requests that the Examiner provide a reference that explicitly discloses the elements of Claim 6.
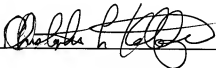
IV.   Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 20, 2010   By

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